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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,952	03/30/2001	Thomas N. Turba	RA 5363 (33012/310/101)	3901
27516	7590	03/22/2005	EXAMINER	
UNISYS CORPORATION MS 4773 PO BOX 64942 ST. PAUL, MN 55164-0942			NGUYEN, MERILYN P	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,952

Applicant(s)

TURBA ET AL.

Examiner

Merilyn P Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action.

DETAILED ACTION

1. Claims 1-20 are pending in this office action.

Claim Objections

2. Claims 1, 2, 6, 7, 11, 13, 16, and 18 are objected to because of the following informalities:

In claim 1, line 3; in claim 2, line 1; in claim 6, line 4; in claim 7, line 1; in claim 11, line 2; in claim 13, line 1; in claim 16, lines 2 & 4; in claim 18, line 1: "publically" is suggested to -- publicly--.

In claim 11, line 15, there must exist a "," between "step" and "and".

Abstract

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. ***The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.***

The language should be ***clear and concise*** and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. ***If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical***

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disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

Specification

4. The disclosure is objected to because of the following informalities:

- status of copending application must be updated at pages 1-3 of the specification.
- At page 4, line 10, there is unknown symbol after "MAPPER".
- At page 13, line 15, there is missing word in "Data Wizard a web based interface".
- 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "computational state".

Appropriate correction is required. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter such as the term “state report”, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 6, the term “data wizard” expressed in a lowercase term, which renders the claim indefinite. The term “data wizard” is not defined by the claim, and the specification addresses data wizard as “Cool ICE Data Wizard” in capital, therefore the “data wizard” in the claim is indefinite and does not provide a standard for ascertaining the requisite degree.

Regarding claim 1, there is insufficient antecedent basis for “valid steps” at line 7, “said plurality of discreet and independent steps” at line 8, and “one of each report” at line 9.

Regarding claim 4, there is insufficient antecedent basis for “a development environment state” and “the build information” and “said plurality of steps”. It’s unclear what “a development environment state” and “the build information” mean. Also, it’s unclear whether

“said plurality of steps” corresponds to “a plurality of valid steps” (line 7 of its independent claim 1) or “plurality of discreet and independent steps”.

Claims 5, 10, 15 and 19 contain the trademark/trade name MAPPER at line 2. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe database management system and, accordingly, the identification/description is indefinite.

Regarding claim 6, the term “responsively” at lines 3 and 6 is indefinite because it does not comprise a unique meaning; instead the meaning is open to interpretation depending on the application and the reader. The term “a service” lacks antecedent basis since it’s unclear what service the applicant wanted to address.

Regarding claim 11, the term “a component” lacks antecedent basis since it’s unclear what “component” the applicant wanted to address. The term “potential” (lines 4, 6, 9, 10, 11, and 14) is indefinite because it does not comprise a unique meaning; instead the meaning is open to interpretation depending on the application and the reader.

Regarding claim 16, the term “responsively” at lines 4, 7, and 10 is indefinite because it does not comprise a unique meaning; instead the meaning is open to interpretation depending on

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the application and the reader. The term “a component” (line 8) lacks antecedent basis since it’s unclear what “component” the applicant wanted to address. The term “said responding means” lacks antecedent basis.

Regarding claim 17, there is insufficient antecedent basis for “a development environment state”. It’s unclear what “a development environment state” means.

Regarding claim 18, there is insufficient antecedent basis for “said responding means”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 6-9, 11-14, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Glaser (US 6,058,264).

Regarding claim 1, Glaser discloses in a data processing system (See Figs. 1- 4) having a user terminal (client computer 102, Fig. 1) operated by a user which builds a component for accessing a data base management system (See col. 3, lines 50-56) responsively coupled to said user terminal via a publically accessible digital data communication network (Network Server 110, Fig. 1), the improvement comprising:

- a. a data wizard (Extender Smart Guide 422, Fig. 4) which permits said user to specify said component as an ordered sequence of discreet and independent steps (See Fig 7) and which presents a plurality of valid steps as choices for addition at each position in said plurality of discreet and independent steps (See col. 8, lines 7-10); and
- b. a plurality of state reports wherein one of each report in the plurality of state reports corresponds to one step in said plurality of said ordered sequence of discreet and independent steps (See col. 6, lines 26-34 and lines 56-63), wherein each of said plurality of state reports conveys state information from a given one of said ordered sequence of discreet and independent steps to a subsequent one of said ordered sequence of discreet and independent steps (See col. 6, lines 39-47).

Regarding claim 6, Glaser discloses an apparatus (Figs. 1-4) comprising:

- a. a user terminal (client computer 102, Fig. 1);
- b. a data base management system (RDBMS 126, Fig. 1) responsively coupled to said user terminal via a publically accessible digital data communication network (Network Server 110, Fig. 1); and
- c. a data wizard (Extender Smart Guide 422, Fig. 4) responsively coupled to said user terminal and said data base management system which permits a service to be defined from said user terminal in accordance with an ordered sequence of discreet and independent steps (See Fig 7) and which provides a

state report to each one of said ordered sequence of discreet and independent steps which corresponds to the previous one of said order sequence of discreet and independent steps (See col. 6, lines 39-47).

Regarding claims 2, 7 and 18, Glaser discloses said publically accessible digital data communication network further comprises the Internet (See 3, line 67 to col. 4, line 1).

Regarding claims 3, 9, and 13-14, Glaser discloses said user terminal further comprises an industry compatible personal computer (Client computer 102, Fig. 1) having a commercially available browser (Browser 108, Fig. 1).

Regarding claims 4 and 17, Glasser discloses wherein each of said plurality of state reports further comprises a development environment state that defines the build information for a subsequent step in said plurality of steps (See col. 6, lines 56-63).

Regarding claims 8 and 12, Glasser discloses wherein each of said state reports further comprise a state update code (See col. 6, lines 40-47).

Regarding claim 11, Glaser discloses a method of dynamically building a component from a user terminal coupled via a publically accessible digital data network to a remote data base management system having a component building process (See columns 6-9) comprising:

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- a. presenting a first plurality of potential steps which are valid for a first position in an ordered sequence of steps which define said component (See col. 8, lines 7-10);
- b. inserting a chosen one of said first plurality of potential steps into said ordered sequence of steps (See col. 8, See col. 8, lines 14-16);
- c. associating a first state report with said chosen one of said first plurality of potential steps (See col. 6, lines 31-34).
- d. presenting a second plurality of potential steps which are valid for a next position in said ordered sequence of steps (See col. 8, lines 25-30);
- e. inserting a chosen one of said second plurality of potential steps into said ordered sequence of steps (See col. 8, lines 33-35); and
- f. associating a second state report with said chosen one of said second plurality of potential steps (See col. 6, lines 43-47); and
- g. repeating steps c, d, e and f until said component is complete (See col. 7, line 59 to col. 8, line 55).

Regarding claim 16, Glaser discloses an apparatus comprising:

- a. means for permitting a user to access a publically accessible digital data communication network (See Browser 108, Fig. 1, and col. 3, line 67 to col. 4, line 3);
- b. means (Database Server 122, Fig. 1) responsively coupled to said permitting means via said publically accessible digital data communication network for providing data base management services (See col. 4, lines 21-36);

c. means responsively coupled to said permitting means and said responding means for designing a component through specification of an ordered plurality of discreet and independent steps (See col. 7, lines 15-25); and

d. means responsively coupled to said designing means for associating a state report with each of said ordered plurality of discreet and independent steps (See col. 6, lines 35-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 10, 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser (US 6,058,264), in view of Applicant's Admitted Prior Art.

Regarding claims 5, 10, 15, and 19, Glaser discloses a database management system (RDBMS 126, Fig. 1) having all of the claimed subject matter except Glaser is silent as to the database management system being a MAPPER data base management system. Applicant admits that the MAPPER database management system was known at the time the invention was made. Since MAPPER DBMS was readily available, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the well known MAPPER data base management as disclosed by Applicant's Admitted Prior Art as the database

management system of Glaser. The resultant use of the MAPPER data base management system would have performed the intended (by Glaser) function, without undue experimentation and with expected and obvious result (See applicant's specification, page 4, lines 7-12).

Regarding claim 20, Glaser discloses said permitting means further comprises an industry standard personal computer (Client Computer 102, Fig. 1).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Medl U.S Patent No. 6,108,004 discloses Gui Guide for data mining.

Grasso U.S Patent No. 5,892,909 discloses Intranet-Based system with methods for co-active delivery of information to multiple users.

Hirsch U.S Patent No. 6,263,339 discloses dynamic object visualization and code generation.

Bach U.S Patent No. 6,141,660 discloses command line interface for creating business objects for accessing a hierarchical database.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 571-272-4026.

The examiner can normally be reached on M-F: 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MN

MN

March 14, 2005

Frantz Coby
FRANTZ COBY
PRIMARY EXAMINER